

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

MARTIN SILVER,

Judgment Debtor,

and

THE VANGUARD GROUP, INC.,
BRIGHTHOUSE FINANCIAL, INC.,
COMPUTER SHARE, and AON,

Third-Party Respondents.

20 CR 360 (AKH)

**ORDER FOR
PARTIAL RELEASE OF
FEDERAL LIEN ON
PERSONAL PROPERTY**

WHEREAS, on February 8, 2023, the Court sentenced the judgment debtor, MARTIN SILVER, imposing a \$300 special assessment, restitution in the amount of \$364,402,116.08, and a forfeiture money judgment in the amount of \$129,506,922.00;

WHEREAS, pursuant to 18 U.S.C. § 3613, upon entry of judgment, notwithstanding any other federal or state law, a lien in the restitution in the amount of \$364,402,116.08 arose on all of Silver's property and rights to property;

WHEREAS, pursuant to 18 U.S.C. §§ 3613(a), 3664(m), and N.Y. CPLR §§ 5222, 5224, the Government served Restraining Notices and Information Subpoenas on third-party respondents, The Vanguard Group, Inc. ("Vanguard"), Brighthouse Financial, Inc. ("Brighthouse"), Computershare, and Aon, to withhold and disclose Silver's nonexempt property;

WHEREAS Vanguard answered that it holds substantial nonexempt property belonging to Silver in the form of one rollover IRA brokerage account number ending in 0463 and one brokerage account number ending in 7208;

WHEREAS Brighthouse answered that it holds substantial nonexempt property belonging to Silver in the form of one life insurance policy number ending in 27USU;

WHEREAS Computershare answered that it holds substantial nonexempt property belonging to Silver in the form of 528 shares of MetLife, Inc. and 48 shares of Brighthouse Financial, Inc.;

WHEREAS Aon answered that AICPA Insurance Trust/Aon Securities LLC holds substantial nonexempt property belonging to Silver in the form of one life insurance policy number ending in 4273;

WHEREAS the Government served Silver with the restraining notices, including the exclusive and limited exemptions available to criminal judgment debtors under 18 U.S.C. § 3613;

WHEREAS Silver has paid his \$300 special assessment and \$45,925 toward the outstanding restitution;

WHEREAS Silver has a substantial nonexempt interest in the funds held by the third-party respondents (“the Subject Accounts”), to which the criminal judgment lien has attached;

WHEREAS a series of Stipulations and Orders extended the Restraining Notices on the third-party respondents to September 24, 2024, and on that date, the Government filed a Motion for Turnover Order and Modification of Restitution Payment Schedule seeking the liquidation and turnover of the Subject Accounts toward the outstanding restitution balance;

WHEREAS, on December 18 and 19, 2024, the Court granted the Government’s motion in part and ordered Silver to “withdraw \$2,250,000.00 from the Subject Accounts to pay \$2 million

in restitution, and to use the remaining \$250,000.00 to defray tax liabilities” (the “Liquidation Order”);

WHEREAS, on December 19, 2024, the Government filed a Motion for Preliminary Order of Forfeiture as to Substitute Assets, which seeks the surplus funds remaining in the Subject Accounts after compliance with the Liquidation Order as Substitute Assets toward the outstanding Money Judgment, which remains pending before the Court;

IT IS HEREBY ORDERED that:

The Government shall immediately release the Restraining Notices against Silver’s substantial nonexempt property held by Brighthouse, Computershare, Aon/ICPA Insurance Trust/Aon Securities LLC, and Vanguard, and restore access to those accounts to Silver to facilitate the withdrawal of \$2,000,000.00 for payment to the Clerk of the Court as payment of restitution and \$250,000.00 to defray tax liabilities;

Third-party respondents Brighthouse, Computershare, Aon/ICPA Insurance Trust/Aon Securities LLC, and Vanguard shall immediately release and restore access to the Subject Accounts to Silver to facilitate the withdrawal of \$2,000,000.00 for payment to the Clerk of the Court as payment of restitution and \$250,000.00 to defray tax liabilities; and

Pursuant to 18 U.S.C. § 3664(k), Silver shall provide the Court and the Government with an accounting of the sums liquidated from each of the Subject Accounts within 72 hours of such liquidation.

SO ORDERED:

Dated: December 31, 2024

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein", is written over a horizontal line.

ALVIN K. HELLERSTEIN
United States District Judge